CANCELLED CANCELLED

(3)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

Writ Petition No. 5994 /2000

.....

Petitioner : Loonkaran Jain S/O late Ratan lal Jain aged about 59 years R/O Nagri Tahsil Nagri Dist. Dhamtari M.P.

Versus

Respondents :

1. State of M.P. through the Secretary Panchayat & Gramin Vikas Vallabh Bhawan, Bhopal

2. Collector, Dhamtari District Dhamtari M.P.

3. Sub Divisional Officer (Revenue) Dist. Dhamtari M.P.

4. Janpad Panchayat at Nagri through its Chief Executive Officer, Nagri Dist. Dhamtari

5. Smt. Ambika Markam, Ex-Preside Janpad Panchayat Nagri Tah.Nagri Dist. Dhamtari M.P.

WRIT PETITION UNDER ART.226/227 OF THE CONSTITUTION OF INDIA.

1. [illegible]

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

W.P. No. 5994/2000

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	16-7-2001 Shri P. Diwakar, Counsel for the petitioner. Shri Gautam Bhaduri, Govt. Advocate for the State. The petitioner has filed this petition styling as public interest litigation on the ground that Janpad Panchayat, Nagri is constructing a commercial Complex known as Priyadarshani Complex. In the said complex shops have been constructed. It is contended that allotment has to be under rules and provisions of M.P. Panchayat Raj Adhiniyam, 1993. It is said that the construction has not been inconformity with the provisions of law. The petitioner has prayed that the respondents be restrained from making any further construction in respect of the said Commercial Complex and further they be also restrained from allotting any shop to any one till final decision of this petition. Petitioner's younger brother Yogesh Kumar Jain has filed Writ Petition No. 4886/98 for allotment of the shop constructed in the said complex and for enquiry by some independent authority. The writ petition filed by petitioner's younger brother is still pending. The Sub-divisional Officer, has submitted an enquiry report to the District Collector, Dhamtari dated 16-8-99 Ann. A-12. The Collector is respondent in this petition.	

[पीठ देखिये

XI-HC-22

(143)

उच्च न्यायालय, मध्यप्रदेश, जबलपुर

आदेश पत्रक

W.P. No. 5994/2000

मामला क्रमांक ..... सन् 199

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Contd. Order dtd. 16-7-2001 -2-

Having heard the learned counsel for the parties and after considering the facts and circumstances of the case, material on record specially in view of the fact that the petition filed earlier i.e. W.P. No. 4886/1998 by brother of the petitioner is pending, the rule of auction of property and further in view of the pronouncement of the Lordship of the Supreme Court regarding jurisdiction in P.I.L. in the case of Malik Brothers -v- Narendra Dadhich reported in 2000(1) JLJ 36 of the Constitution of India is made out in this case. However, ends of justice would serve if this petition is disposed of with a direction that the Collector Dhamtari will consider the report submitted by the Sub-divisional Officer, Dhamtari dated 16-8-1999 Annexure A-12, on its own merit in accordance with law as early as possible.

This petition is disposed of accordingly.

Security if deposited be refunded.

Sd/-
Chief Justice

Sd/-
Fakhruddin
Judge

PATHAK/-